

General Docket
United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 12-5136

Docketed: 04/30/2012

Nature of Suit: 2895 Freedom of Information Act of 1974

Termed: 06/07/2013

Center For International v. Office of the US Trade Rep., et al

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Waived

Case Type Information:

- 1) Civil US
- 2) United States
- 3)

Originating Court Information:

District: 0090-1 : [1:01-cv-00498-RWR](#)

Lead: [1:01-cv-00498-RWR](#)

Court Reporter: Vernell A. Marshall

Trial Judge: Richard W. Roberts, U.S. District Judge

Date Filed: 03/07/2001

Date Order/Judgment:
02/29/2012

Date NOA Filed:
04/26/2012

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: JRB BMK ARR

Date of Hearing: 02/21/2013 **Date of Decision:** 06/07/2013 **Date Completed:** 06/07/2013

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Plaintiff - Appellee

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v.

Office of the United States Trade Representative
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Terminated: 05/30/2012

Defendant - Appellant

Ron Kirk, in his official capacity as the United States Trade
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Terminated: 07/02/2013

Defendant - Appellant

Michael Froman, in his official capacity as the United States Trade
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Defendant - Appellant

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Center for International Environmental Law,

Plaintiff - Appellee

v.
















Office of the United States Trade Representative; Michael Froman, in his official capacity as the United States Trade Representative,

Defendants - Appellants

Advance Publications, Inc.; Allbritton Communications Company; American Society of News Editors; Association of Alternative Newsweeklies; Atlantic Media, Inc.; Bay Area News Group; Bloomberg L.P.; Cable News Network, Inc.; Dow Jones & Company, Inc.; First Amendment Coalition; Gannett Company, Inc.; Media General, Inc.; NBC Universal Media, LLC; National Press Club; National Press Photographers Association; Newspaper Association of America; North Jersey Media Group, Inc.; Online News Association; POLITICO, LLC; Radio Television Digital News Association; Reuters America LLC; Society of Professional Journalists; Stephens Media LLC; The Association of American Publishers, Inc.; The E.W. Scripps Company; The McClatchy Company; The New York Times Company; The Newsweek/Daily Beast Company LLC; The Reporters Committee for Freedom of the Press; The Seattle Times; The Washington Post; Time Inc.; Tribune Company,

Amici Curiae for Appellee

04/30/2012		US CIVIL CASE docketed. [12-5136]
04/30/2012	<input type="checkbox"/> 31 pg, 149.83 KB	NOTICE OF APPEAL filed [1371349] by Office of the United States Trade Representative and Robert B. Zoellick seeking review of a decision by the U.S. District Court in 1:01-cv-00498-RWR. Assigned USCA Case Number [12-5136]
04/30/2012	<input type="checkbox"/> 1 pg, 46.1 KB	LETTER SENT [1371486] regarding attorney membership to Mr. John Martin Wagner for Center For International Environment Law. Application for Admission due 05/30/2012. [12-5136]
04/30/2012	<input type="checkbox"/> 2 pg, 46.3 KB	CLERK'S ORDER filed [1371487] directing party to file initial submissions: APPELLANT docketing statement due 05/30/2012. APPELLANT certificate as to parties, etc. due 05/30/2012. APPELLANT statement of issues due 05/30/2012. APPELLANT underlying decision due 05/30/2012. APPELLANT deferred appendix statement due 05/30/2012. APPELLANT notice of appearance due 05/30/2012. APPELLANT transcript status report due 05/30/2012. APPELLANT procedural motions due 05/30/2012. APPELLANT dispositive motions due 06/14/2012; directing party to file initial submissions: APPELLEE certificate as to parties, etc. due 05/30/2012. APPELLEE entry of appearance due 05/30/2012. APPELLEE procedural motions due 05/30/2012. APPELLEE dispositive motions due 06/14/2012 [12-5136]
05/25/2012	<input type="checkbox"/> 2 pg, 76.87 KB	ENTRY OF APPEARANCE filed [1375814] by J. MARTIN WAGNER and co-counsel ABBY LYNN RUBINSON SARAH HELEN BURT on behalf of Appellee Center For International Environment Law. [12-5136] (Wagner, Martin)
05/25/2012	<input type="checkbox"/> 4 pg, 68.97 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES FILED [1375815] by Center For International Environment Law [Service Date: 05/25/2012] [12-5136] (Wagner, Martin)
05/30/2012	<input type="checkbox"/> 1 pg, 55.4 KB	CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES FILED [1376110] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012] [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 18.79 KB	DOCKETING STATEMENT FILED [1376113] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012] [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 14.13 KB	ENTRY OF APPEARANCE filed [1376115] by H. Thomas Byron III and co-counsel Matthew Collette on behalf of Appellants Office of the United States Trade Representative and Robert B. Zoellick. [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 48.23 KB	STATEMENT OF INTENT REGARDING APPENDIX DEFERRAL FILED [1376116] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012] Intent: AppxNotDeferred [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 50.78 KB	STATEMENT OF ISSUES FILED [1376117] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012] [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 11.72 KB	TRANSCRIPT STATUS REPORT [1376118] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012]. Status of Transcripts: Final - No transcripts are needed for the appeal. [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 19 pg, 42.84 KB	UNDERLYING DECISION IN CASE submitted [1376120] by Office of the United States Trade Representative and Robert B. Zoellick [Service Date: 05/30/2012] [12-5136] (Byron, H. Thomas)
05/30/2012	<input type="checkbox"/> 1 pg, 31.83 KB	CERTIFICATE OF SERVICE [1376122] to record [1376120-2] , report status of transcript (final) [1376118-2] , statement [1376117-2] , statement [1376116-2] , notice [1376115-2] , statement [1376113-2] , certificate [1376110-2] filed by Office of the United States Trade Representative and Robert B. Zoellick. [12-5136] (Byron, H. Thomas)
07/05/2012	<input type="checkbox"/> 1 pg, 41.19 KB	CLERK'S ORDER filed [1382110] setting briefing schedule: APPELLANT Brief due 08/17/2012. Appendix due 08/17/2012. APPELLEE Brief due on 09/17/2012. APPELLANT Reply Brief due 10/01/2012 [12-5136]
07/20/2012	<input type="checkbox"/> 5 pg, 64.08 KB	UNOPPOSED MOTION filed [1384877] by Ron Kirk and Office of the United States Trade Representative to extend time to file brief to 09/17/2012., to establish briefing schedule, concerning appendix deferral [Service Date: 07/20/2012] Pages: 1-10. [12-5136] (Byron, H. Thomas)
07/26/2012	<input type="checkbox"/> 1 pg, 39.87 KB	CLERK'S ORDER filed [1385737] granting appellants' consent motion to reset the briefing deadlines and for leave to use the deferred appendix [1384877-2] . The following revised briefing schedule will now apply: APPELLANT Brief due 09/17/2012. APPELLEE Brief due on 10/24/2012. APPELLANT Reply Brief due 11/07/2012. Deferred Appendix due 11/14/2012. Final Briefs due 11/21/2012. [12-5136]
09/17/2012	<input type="checkbox"/> 64 pg, 286.56 KB	APPELLANT BRIEF [1394893] filed by Ron Kirk and Office of the United States Trade Representative [Service Date: 09/17/2012] Length of Brief: 9,615. [12-5136] (Byron, H. Thomas)
10/24/2012	<input type="checkbox"/> 51 pg, 403.5 KB	APPELLEE BRIEF [1401507] filed by Center For International Environment Law [Service Date: 10/24/2012] Length of Brief: 10,028 Words. [12-5136] (Wagner, Martin)
10/25/2012	<input type="checkbox"/> 5 pg, 63.89 KB	ERRATA FILED [1401706] by Center For International Environment Law to Appellee/Respondent brief [1401507-2] . Reason for errata: The Table of Contents did not include accurate page numbers. [Service Date: 10/25/2012] [12-5136] (Wagner, Martin)
10/30/2012	<input type="checkbox"/> 14 pg, 257.93 KB	NOTICE filed [1402135] by The Reporters Committee for Freedom of the Press, et al. of intention to participate as amicus curiae. [Disclosure Listing: Attached] [Service Date: 10/30/2012] [12-5136] (Brown, Bruce)
10/31/2012	<input type="checkbox"/> 48 pg, 422.23 KB	AMICUS FOR APPELLEE BRIEF [1402366] filed by Advance Publications, Inc., Allbritton Communications Company, American Society of News Editors, Association of Alternative Newsweeklies, Atlantic Media, Inc., Bay Area News Group, Bloomberg L.P., Cable News Network, Inc., Dow Jones & Company, Inc., First Amendment Coalition, Gannett Company, Inc., Media General, Inc., NBC Universal Media, LLC, National Press Club, National Press Photographers Association, Newspaper Association of America, North Jersey Media Group, Inc., Online News Association, POLITICO, LLC, Radio Television Digital News Association, Reuters America LLC, Society of Professional Journalists, Stephens Media LLC, The Association of American Publishers, Inc., The E.W. Scripps Company, The McClatchy Company, The New York Times Company, The Newsweek/Daily Beast Company LLC, The Reporters Committee for Freedom of the Press, The Seattle Times, The Washington Post, Time Inc. and Tribune

		Company [Service Date: 10/31/2012] Length of Brief: 6,270 words. [12-5136] (Brown, Bruce)
11/01/2012	 6 pg, 107.13 KB	UNOPPOSED MOTION filed [1402733] by Ron Kirk and Office of the United States Trade Representative to extend time to file reply to 11/14/2012. [Service Date: 11/01/2012] Pages: 1-10. [12-5136] (Byron, H. Thomas)
11/02/2012	 1 pg, 39.46 KB	CLERK'S ORDER filed [1402984] granting appellants' unopposed motion to extend time to file the reply brief [1402733-2]. The following revised briefing schedule will now apply: APPELLANT Reply Brief due 11/14/2012. Deferred Appendix due 11/21/2012. Final Briefs due 11/28/2012. [12-5136]
11/14/2012	 41 pg, 224.86 KB	APPELLANT REPLY BRIEF [1405109] filed by Ron Kirk and Office of the United States Trade Representative [Service Date: 11/14/2012] Length of Brief: 6,088 words. [12-5136] (Byron, H. Thomas)
11/15/2012	 1 pg, 40.67 KB	CLERK'S ORDER filed [1405152] scheduling oral argument before Judges BROWN, KAVANAUGH, RANDOLPH Thursday, 02/21/2013 AM [12-5136]
11/16/2012	 118 pg, 2.6 MB	JOINT APPENDIX[1405547] filed [Volumes: 1] [Service Date: 11/16/2012] [12-5136] (Byron, H. Thomas)
11/27/2012	 64 pg, 283.8 KB	APPELLANT FINAL BRIEF [1406954] filed by Ron Kirk and Office of the United States Trade Representative [Service Date: 11/27/2012] Length of Brief: 9,299 words. [12-5136] (Byron, H. Thomas)
11/27/2012	 41 pg, 225.68 KB	APPELLANT FINAL REPLY BRIEF [1406955] filed by Ron Kirk and Office of the United States Trade Representative [Service Date: 11/27/2012] Length of Brief: 6,005 words. [12-5136] (Byron, H. Thomas)
11/28/2012		INCORRECT DOCKET ENTRY-DISREGARD-corrected brief will be filed-APPELLEE FINAL BRIEF [1407186] filed by Center For International Environment Law [Service Date: 11/28/2012] Length of Brief: 10,096 Words. [12-5136] APPELLEE FINAL BRIEF [1407186] filed by Center For International Environment Law [Service Date: 11/28/2012] [12-5136]-[Edited 11/29/2012 by LMC] (Wagner, Martin)
11/29/2012	 3 pg, 43.96 KB	ERRATA FILED [1407402] by Center For International Environment Law to Appellee/Respondent final brief [1407186-2] . Reason for errata: Cover Sheet of Plaintiff-Appellee's Final Brief did not indicate oral argument date. [Service Date: 11/29/2012] [12-5136] (Wagner, Martin)
11/29/2012	 51 pg, 451.76 KB	APPELLEE FINAL BRIEF [1407525] filed by Center For International Environment Law [Service Date: 11/29/2012] Length of Brief: 10,096. [12-5136]
02/08/2013	 1 pg, 42.14 KB	PER CURIAM ORDER filed [1419551] allocating oral argument time as follows: Appellants – 15 Minutes, Appellee – 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney - due 02/14/2013. [12-5136]
02/11/2013		FORM 72 submitted by arguing attorney, Martin Wagner, on behalf of Appellee Center For International Environment Law. [12-5136] (Wagner, Martin)
02/13/2013		FORM 72 submitted by arguing attorney, H. Thomas Byron III, on behalf of Appellants Ron Kirk and Office of the United States Trade Representative. [12-5136] (Byron, H. Thomas)
02/21/2013	 1 pg, 40.63 KB	ORAL ARGUMENT HELD before Judges Brown, Kavanaugh and Randolph. [12-5136]
03/08/2013		TRANSCRIPT [1424336] of oral argument [12-5136]
03/18/2013	 34 pg, 125.87 KB	LETTER FILED [1426099] by Ron Kirk and Office of the United States Trade Representative regarding oral argument matter [Response to question at oral argument] [Service Date: 03/18/2013] [12-5136] (Byron, H. Thomas)
06/07/2013	 1 pg, 55.78 KB	PER CURIAM JUDGMENT filed [1440073] that the judgment of the District Court appealed from in this cause is hereby reversed for the reasons in the accompanying opinion . Before Judges: Brown, Kavanaugh and Randolph. [12-5136]
06/07/2013	 11 pg, 29.62 KB	OPINION filed [1440074] (Pages: 11) for the Court by Judge Randolph [12-5136]
06/07/2013	 1 pg, 39.52 KB	CLERK'S ORDER filed [1440075] withholding issuance of the mandate. [12-5136]
08/01/2013		MANDATE ISSUED to Clerk, District Court [12-5136]

